

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AA, by and through her parents BB  
and CC et al., :

Plaintiffs, :

-v.- :

CITY OF NEW YORK et al., :

Defendants.  
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ORDER

25 Civ. 752 (DEH) (GWG)

**GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE**

Before the Court are plaintiffs’ application to require the defendants to produce a privilege log (Docket # 55) and defendants’ response (Docket # 58).

As explained in Micillo v. Liddle & Robinson LLP, 2016 WL 2997507 (S.D.N.Y. May 23, 2016), the production of a privilege log is mandatory under Fed. R. Civ. P. 45(e)(2)(A)(ii). It is also mandatory under Fed. R. Civ. P. 26(b)(5)(A)(ii) and Local Civil Rule 26.2.

Defendants cite no case supporting their contention that they should not have to produce a privilege log. Their responsive letter (Docket # 58) barely addresses the issue, focusing almost entirely on the merits of their claim of privilege and their premature request (likely unsupportable under federal case law) that the Court conduct an in camera review of the withheld documents. Indeed, it appears that there is only one sentence in the entire letter that addresses the defendants’ reasons for objecting to the production of a privilege log. In that sentence, the defendants contend that the withheld materials are “constituted by a single ongoing file that incorporates other active case files.” Docket # 58 at 3. The Court does not understand why the fact that there is a “single ongoing” file or a file that “incorporates” (whatever that means) other files prevents compliance with the applicable law on privilege logs.

Accordingly, the motion to compel production of a privilege log is granted. The log shall be produced on or before July 11, 2025.

That being said, Local Rule 26.2 specifically encourages “[e]fficient means of providing information regarding claims of privilege” and gives details as to what exactly that means. See Local Civil Rule 26.2(c). Defendants are encouraged to read this Rule. To the extent they confer further with plaintiffs, as contemplated by that Rule, defendants must understand the purpose of the privilege log: to give plaintiffs the full range of information necessary to allow them to challenge defendants’ claims of privilege.

Dated: New York, New York  
June 26, 2025

SO ORDERED:

  
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GABRIEL W. GORENSTEIN  
United States Magistrate Judge